

PERMIT REQUIREMENTS FOR DEVELOPMENT OF ENERGY
AND OTHER SELECTED NATURAL RESOURCES FOR THE
STATE OF WISCONSIN

PREPARED FOR
FOUR CORNERS REGIONAL COMMISSION
AND THE
U.S. GEOLOGICAL SURVEY

BY CAMP DRESSER AND MCKEE, INC.

Statements of opinion and/or recommendations are those of the authors and do not necessarily reflect the official opinion of the Four Corners Regional Commission, any of its members States, or the U.S. Geological Survey.

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and Education
Wisconsin Department of or
Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707

U.S. Geological Survey
Environmental Affairs Office
760 National Center
Reston, Virginia 22092

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TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
ACKNOWLEDGEMENTS	
1.0 INTRODUCTION.....	1
2.0 STATE POLICY AND PROCEDURES FOR CONSOLIDATED PERMIT PROGRAM	
2.1 STATE CLEARINGHOUSE OR ONE STOP PERMIT AGENCY.....	4
2.2 STATE EQUIVALENT OF NEPA.....	5
3.0 RESOURCE EXTRACTION	
3.1 ANNUAL EXPLORATION ACTIVITY REPORT.....	6
3.2 METALLIC MINERAL EXPLORATION LICENSE.....	9
3.3 PROSPECTING PERMIT AND RECLAMATION PLAN APPROVAL.....	11
3.4 MINING PERMIT AND RECLAMATION PLAN APPROVAL.....	13
4.0 LAND USE REGULATIONS	
4.1 ANNEXATION OF TERRITORY.....	15
4.2 SUBDIVISION REVIEW.....	17
4.3 CERTIFICATES OF AUTHORITY AND PUBLIC CONVENIENCE AND NECESSITY.....	19
4.4 ADVANCE ELECTRICITY PLAN APPROVAL.....	22
4.5 APPROVALS AND PERMITS FOR BUILDING PUBLIC FACILITIES...	25
4.6 PERMITS AND APPROVALS FOR PLUMING AND PRIVATE SEWAGE SYSTEMS.....	28
4.7 MISCELLANEOUS FOREST PRODUCT SALES PERMIT.....	31
4.8 FUEL WOOD SALES PERMIT.....	33
5.0 ENVIRONMENTAL QUALITY MANAGEMENT	
5.1 AIR POLLUTION CONTROL CONSTRUCTION AND OPERATION PERMITS.....	35
5.2 HAZARDOUS WASTE TRANSPORT, TREATMENT, STORAGE AND DISPOSAL FACILITY LICENSE.....	39
5.3 SOLID WASTE TRANSPORT, STORAGE, AND LAND DISPOSAL FACILITY LICENSES.....	42
5.4 POLYCHLORINATED BIPHENYL HANDLING, TRANSPORTING, GENERATING AND STORING LICENSES.....	45
5.5 SEPTIC TANK SERVICERS AND HAULERS LICENSE.....	47
5.6 WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT.....	49
5.7 INDUSTRIAL WASTEWATER TREATMENT FACILITY PLAN APPROVAL.....	52
5.8 HIGH CAPACITY WELL APPROVAL.....	54
5.9 PERMIT FOR CHANGING STREAM COURSES.....	56
5.10 PERMIT FOR CONSTRUCTION, OPERATION AND MAINTENANCE OF PUBLIC AND PRIVATE DAMS ON NAVIGABLE WATERS.....	59
5.11 PERMIT FOR ENLARGEMENT AND PROTECTION OF WATERWAYS.....	61
5.12 APPROVAL TO CONSTRUCT PRIVATE BRIDGES OVER STREAMS LESS THAN 35 FEET WIDE.....	64

TABLE OF CONTENTS (continued)

<u>Section</u>	<u>Page</u>
5.13 APPROVAL TO ESTABLISH BULKHEAD LINES.....	66
5.14 PERMIT TO CONSTRUCT STRUCTURES IN NAVIGABLE WATERS.....	68
5.15 PERMIT TO DIVERT WATERS FROM LAKES AND STREAMS.....	71
5.16 PERMIT TO CONSTRUCT PRIVATE BRIDGES OVER A NAVIGABLE WATER MORE THAN 35 FEET WIDE.....	73
5.17 PERMIT TO REMOVE MATERIALS FROM BEDS OF NAVIGABLE WATERS.....	75
5.18 NOISE REGULATIONS.....	78
6.0 SOCIAL/ECOLOGICAL PRESERVATION	
6.1 NATIONAL HISTORIC PRESERVATION ACT COMPLIANCE.....	79
6.2 PERMIT TO CONDUCT FIELD ARCHAEOLOGY.....	81
6.3 WISCONSIN ENDANGERED SPECIES PERMIT.....	83
6.4 FLOOD PLAIN ZONING ORDINANCE AND AMENDMENT APPROVALS....	86
6.5 COUNTY SHORELAND ORDINANCE AND AMENDMENT APPROVALS.....	89
7.0 LOCAL REGULATION POLICY	
7.1 LOCAL GOVERNMENT LAND USE AND NATURAL RESOURCE CONTROL ENABLING LAWS.....	91

SECTION 1.0
INTRODUCTION

INTRODUCTION

This guidebook is one of a series prepared for numerous States. The purpose of the guidebook is to summarize environmental and land-use permits issued by the State for the development of energy and other natural resources. The guidebook is intended not only for private developers and interest groups, but also for regulatory officials of Federal, State and local government as well. THIS GUIDEBOOK INCLUDES STATE ISSUED PERMITS ONLY, AND DOES NOT INCLUDE FEDERAL PERMITS.

All State agencies having jurisdiction over the permits, licenses, and approvals described in this guidebook helped to prepare it, and they reviewed the final draft of each summary for accuracy and completeness. Users of this guidebook should be aware, however, that changes in the laws, rules and regulations, or regulatory personnel since the guidebook was published may cause significant changes in permit requirements.

The guidebook should not be construed as a legal document or a final authority on permits for the State of Wisconsin; it is not intended to be a comprehensive reference to the specific requirements of each permit, but to provide concise, easy-to-use information on the State regulations that govern the development of such resources. Before attempting to obtain a permit or begin any activity that might require a permit, you should contact the appropriate State agency for further details.

The guidebook is divided into seven sections. Sections 1.0, 2.0, and 7.0 discuss introductory information, consolidated permit programs for the State of Wisconsin, and local regulatory policies, respectively. The remaining sections discuss permits that apply to Resource Extraction, Land Use Regulation, Environmental Quality Management, and Social/Ecological Preservation. Each section is divided into chapters; each chapter summarizes one permit, license, or approval. Permits administered by a single agency are generally grouped together in each section.

Each permit is discussed in the standard format shown on pages 2 and 3.

STANDARD FORMAT FOR PERMIT SUMMARIES

CHAPTER 0.0

TITLE OF ACTIVITY ADDRESSED BY PERMIT, LICENSE OR APPROVAL

INTRODUCTION

Description of administering agency and its role

A. NAME OF PERMIT OR APPROVAL:

- Complete name of permit or approval with notation indicating mandate by State (S) or Federal (F) government

B. STATUTORY AUTHORITY:

- Title of State statutes authorizing permit and the legal citations of each with notation indicating pending changes (P) to the statute(s)

C. TITLE OF REGULATION:

- Title of State regulation(s) which apply to permit with notation indicating pending changes (P) to the regulation(s)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

- o Summary of major steps involved in the permit/approval process

1. Applicability

- Includes all types of activities which require the permit

2. General Requirements

- Conditions which must be met by the project sponsor before a permit can be acquired; excluding Submissions or Operations Requirements

3. Submission Requirements

- Types of information which the project sponsor must include in the application for the permit

CHAPTER 0.0 (continued)

4. Procedures for Obtaining Permit or Approval

- Includes information on items such as submittal procedures, completeness and technical review, public notice, comment and hearing periods, preliminary and final decisions, inspections, and processing times

5. Operations Requirements

- Conditions which are established by the regulatory agency following permit approval and which must be met by the project sponsor to continue operations

6. Fees

- Costs incurred for obtaining and maintaining the permit

7. Appeal Process

- Process whereby decisions concerning permit approval/denial that are made by a regulatory agency can be appealed

E. ADMINISTERING AGENCY:

- Name of the administering agency and its director, address, and telephone number
- Name of the counterpart Federal agency and its director, address, and telephone number

SECTION 2.0

STATE POLICY AND PROCEDURES
FOR CONSOLIDATED PERMIT PROGRAM

CHAPTER 2.1
STATE CLEARINGHOUSE OR ONE STOP PERMIT AGENCY

Most permits related to the development of energy and other natural resources are issued by the Wisconsin Department of Natural Resources (WDNR). Although there is no agency which serves solely as an office for permit assistance and coordination, the Bureau of Environmental Impact within the WDNR serves that function, among others. Additional information can be obtained at the following locations:

Bureau of Environmental Impact
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-8736

CHAPTER 2.2

STATE EQUIVALENT OF NEPA

The State of Wisconsin passed the Wisconsin Environmental Policy Act (WEPA) in 1972; the act is patterned very closely after the National Environmental Policy Act (NEPA). Section 1.11 of the Wisconsin Statutes specifically mandates that the State follow Council of Environmental Quality (CEQ) guidelines in carrying out the intent of the act. It is typical that one state agency is designated the "lead agency" for any particular project, although sometimes two agencies may be jointly responsible.

SECTION 3.0
RESOURCE EXTRACTION

CHAPTER 3.1

ANNUAL EXPLORATION ACTIVITY

INTRODUCTION

The Wisconsin Geological and Natural History Survey (WGNHS), has responsibility for receiving annual exploration activity reports, under the authority of Wisconsin Statutes, Chapter 107. The purpose of this regulation is to provide basic geologic information from metallic mineral exploration activity within the State of Wisconsin.

A. NAME OF PERMIT OR APPROVAL:

- Annual Exploration Activity Report (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 107.15 (The constitutionality of the statute has been questioned and is in appellate court as of 15 January 1982)

C. TITLE OF REGULATION:

- To aid the explorer in understanding the statute, WGNHS has prepared Guidelines for Compliance with Statute 107.15. (No administrative rules have been promulgated)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Drilling of holes not greater than 18 inches in diameter for the purpose of searching for metallic minerals or establishing the nature of a known metallic mineral deposit, including associated activities such as clearing or preparing sites or constructing roads for drilling

2. General Requirements

- Explorers should obtain a copy of the guidelines from the WGNHS to aid in understanding and complying with the statute
- No permit involved

CHAPTER 3.1 (continued)

- Wisconsin Statute, Section 107.15 provides for visual examination and/or submittal of certain samples, submittal of a noninterpretive lithologic log for each exploratory drillhole, confidentiality of submitted materials, and penalties for noncompliance and breach of confidentiality
- State license for metallic minerals exploration notifies the licensee of the requirement to submit an annual report of exploration-related activities to the State Geologist (see Wisconsin Statute, Chapter 144)
- All licensed explorers must report their exploration activities each year

3. Submission Requirements

- By July 1 of the year following the year in which the exploration takes place, the explorer must submit an exploration activity report
- Samples, if designated for release, must be submitted according to schedule
- Additional data must be submitted at a later date according to schedule

4. Procedures for Obtaining Permit or Approval

- Applicant submits exploration activity reports to WGNHS
- WGNHS may visually examine drill samples
- Confidentiality for submitted data is provided for a set period

5. Operations Requirements

- At the time of licensure, the explorer is notified of obligations to the WGNHS under Wisconsin Statutes, Section 107.15

6. Fees

- Fees are not charged, but there are penalties for noncompliance and for breach of confidentiality

CHAPTER 3.1 (continued)

7. Appeal Process

- None

E. ADMINISTERING AGENCY:

- Director and State Geologist or Exploration Records Specialist
Wisconsin Geological and Natural History Survey
1815 University Avenue
Madison, Wisconsin 53706
(608) 262-1705

CHAPTER 3.2

METALLIC MINERAL EXPLORATION LICENSE

INTRODUCTION

The Bureau of Solid Waste Management, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing metallic mineral exploration licenses, under the authority of the Metallic Mining Reclamation Act. The purpose of this license is to regulate metallic mineral exploration drilling programs in the State of Wisconsin.

A. NAME OF PERMIT OR APPROVAL:

- Metallic Mineral Exploration License (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Sections 144.80 through 144.94

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapter NR 130

D. SUMMARY OF PERMIT/APPROVAL

1. Applicability

- All metallic mineral exploration drilling operations

2. General Requirements

- This license is required of all companies engaged in exploration (drilling) and is renewable annually (runs from July 1 through June 30)

3. Submission Requirements

- Application with license fee
- Annual report certificate of insurance, proof of financial stability
- Performance bond

CHAPTER 3.2 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application and other submission requirements to WDNR
- Final review and decision by WDNR

5. Operations Requirements

- Applicant must comply with Wisconsin Administrative Code, Chapter NR 130 and any other applicable statutes and codes

6. Fees

- Initial license fee
 - \$300
- Renewal license fee
 - \$150
- Each drillhole up to ten in one license year
 - \$50 per drillhole
 - Each additional drillhole - \$25
- Bond - \$5,000

7. Appeal Process

- See Wisconsin Administrative Code, Chapter 227

E. ADMINISTERING AGENCY:

- Director
Bureau of Solid Waste Management
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-1327

CHAPTER 3.3

PROSPECTING PERMIT AND RECLAMATION PLAN APPROVAL

INTRODUCTION

The Bureau of Solid Waste Management, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing metallic mineral prospecting permits and reclamation plan approvals, under the authority of the Metallic Mining Reclamation Act. The purpose of this permit is to ensure environmentally acceptable metallic mineral prospecting and reclamation.

A. NAME OF PERMIT OR APPROVAL:

- Prospecting Permit and Reclamation Plan (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Sections 144.80 through 144.94

C. TITLE OF REGULATION:

- Metallic Mineral Prospecting, Chapter NR 131, Wisconsin Administrative Code

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- All metallic mineral prospecting operations

2. General Requirements

- All WDNR licenses, permits and approvals must be part of a contested case master hearing (including Environmental Impact Statements, if required)

3. Submission Requirements

- Application and fee
- Prospecting, reclamation, and monitoring
- Other information required under Chapter NR 131, Wisconsin Administrative Code

CHAPTER 3.3 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant submits Environmental Impact Report (if required) application and reclamation plan to WDNR
- Final review and preparation of EIS, if required by WDNR
- Decision of all permits, licenses and approvals and the adequacy of the EIS by the hearing examiner, following the contested case public hearing

5. Operations Requirements

- Applicant must comply with all conditions of the prospecting permit, reclamation plan, Chapter NR 131, Wisconsin Administrative Code, and any other applicable permits, licenses, rules and statutes

6. Fees

- Initial fee - \$1,000 (to be adjusted to actual cost of WDNR review after hearing decision)
- Bond or security equal to the estimated cost to the state of fulfilling the reclamation plan

7. Appeal Process

- See Wisconsin Administrative Code, Chapter 227

E. ADMINISTERING AGENCY:

- Director
Bureau of Solid Waste Management
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-1327

CHAPTER 3.4

MINING PERMIT AND RECLAMATION PLAN APPROVAL

INTRODUCTION

The Bureau of Solid Waste Management, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing metallic mineral mining permits and reclamation plan approvals, under the authority of the Metallic Mining Reclamation Act. The purpose of this permit is to ensure environmentally acceptable metallic mineral mining and reclamation.

A. NAME OF PERMIT OR APPROVAL:

- Mining Permit and Reclamation Plan (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Sections 144.80 through 144.94

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapter NR 132

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- All metallic mineral mining operations

2. General Requirements

- All WDNR licenses, permits and approvals must be part of a Contested Case master Hearing (including Environmental Impact State (EIS), if required)

3. Submission Requirements

- Application and fee
- Mining, reclamation and monitoring
- Wisconsin Administrative Code, Chapter NR 132

CHAPTER 3.4 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant submits Environmental Impact Report (if required) application and reclamation plan to WDNR
- Final review and preparation of EIS, if required, by WDNR
- Decision on all permits, licenses and approvals and the adequacy of the EIS by the hearing examiner, following the contested case public hearing

5. Operations Requirements

- Applicant must comply with conditions of mining permit, reclamation plan, Chapter NR 132, Wisconsin Administrative Code, and any other applicable permits, licenses, rules and statutes

6. Fees

- Initial fee of \$10,000 (to be adjusted to actual cost of WDNR review after hearing decision)
- Bond or security equal to the estimated cost to the state of fulfilling the reclamation plan

7. Appeal Process

- See Wisconsin Administrative Code, Chapter 227

E. ADMINISTERING AGENCY:

- Director
Bureau of Solid Waste Management
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-1327

SECTION 4.0
LAND USE REGULATIONS

CHAPTER 4.1
ANNEXATION OF TERRITORY

INTRODUCTION

The Land Use Section, within the Wisconsin Department of Development (WDD), has responsibility for reviewing annexations of territories, under the authority of Wisconsin Statutes, Chapter 66. The purpose of this review is to provide an advisory opinion as to whether the proposed annexation is against the public interest.

A. NAME OF PERMIT OR APPROVAL:

- Annexation of Territory (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 66.021

C. TITLE OF REGULATION:

- Municipal Law, Chapter 66

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Annexations of unincorporated territory by all cities and villages located in counties with a population of more than 50,000

2. General Requirements

- Whenever applicable, the State must review proposed annexations to provide an advisory opinion as to whether the annexation would be against the public interest

3. Submission Requirements

- Petition or notice of intent to circulate a petition
- Legal description
- Scale map of territory

CHAPTER 4.1 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant sends petition to WDD
- WDD conducts review (when applicable) of proposed annexation to provide an advisory opinion as to whether annexation is against the public interest
- Advisory opinion by WDD that annexation would be against public interest requires a two-thirds vote of Council or Village Board to pass annexation

5. Operations Requirements

- None

6. Fees

- None

7. Appeal Process

- None

E. ADMINISTERING AGENCY:

- Supervisor
Land Use Section
Department of Development
P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-3751

CHAPTER 4.2
SUBDIVISION REVIEW

INTRODUCTION

The Land Use Section, within the Wisconsin Department of Development (WDD), has responsibility for reviewing subdivisions of land, under the authority of Wisconsin Statutes, Chapter 236. The purpose of this permit is to assure surveying accuracy, comply with health and safety laws, and protect natural resources.

A. NAME OF PERMIT OR APPROVAL:

- Subdivision Review (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Chapter 236

C. TITLE OF REGULATION:

- Wisconsin Statutes, Section 236.10

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Subdivision of land - defined as creating 5 or more parcels of 1.5 acres or less within a 5-year period

2. General Requirements

- This permit must be obtained prior to subdivision of any land

3. Submission Requirements

- Original drawing if on muslin, or a print if on mylar

4. Procedures for Obtaining Permit or Approval

- Applicant submits plat to WDD
- WDD review platted (plat approval is a "desk review" of subdivision drawing) WDD submits plat to Wisconsin Department of Industry, Labor, and Human Relations, and Wisconsin Department of Transportation if required because of private sewage disposal and proximity to highways

CHAPTER 4.2 (continued)

- No site visits, hearings, or appeals
- Final decision by WDD on behalf of itself and other objecting state agencies

5. Operations Requirements

- Subdivider must record the plat with the County Register of Deeds in the county in which it is located after obtaining approval from Town, Village, or City prior to transferring title to lots created by subdivision
- Applicant must comply with Wisconsin Statutes, Sections 236.11, 236.13, 236.15, 236.16, 236.18, 236.20, 236.21, 236.25, 236.27, 236.29, 236.293, 236.34, 236.35, and 236.45, and with any stipulations set forth in the permit

6. Fees

- A fee schedule covers the cost of the review and contains provisions based on the number of parcels created and the number of sheets

7. Appeal Process

- None

E. ADMINISTERING AGENCY:

- Supervisor
Land Use Section
Wisconsin Department of Development
P.O. Box 7970
Madison, Wisconsin 53707
(608) 266-3751

CHAPTER 4.3

CERTIFICATES OF AUTHORITY AND PUBLIC CONVENIENCE AND NECESSITY

INTRODUCTION

The Wisconsin Public Service Commission (WPSC), has responsibility for issuing certificates of public convenience and necessity, under the authority of Wisconsin Statutes, Chapter 196. The purpose of this permit is to regulate the construction of large energy facilities.

A. NAME OF PERMIT OR APPROVAL:

- Certificates of Authority and Public Convenience and Necessity (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 1.11
- Wisconsin Statutes, Sections 196.491 and 196.49

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapter PSC 111 (P)
- Wisconsin Administrative Code, Chapter PSC 112
- Wisconsin Administrative Code, Section 2.90 (P)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Electric power plants and transmission lines
- Natural gas transmission and distribution facilities

2. General Requirements

- For large scale electric facilities, a Certificate of Public Convenience and Necessity is required under Wisconsin Statutes, Section 196.491. Proposals must:
 - Be needed

CHAPTER 4.3 (continued)

- Be in the public interest when considering alternatives, engineering, economic, safety, reliability, and environmental factors
 - Not have undue adverse impacts on the environment
 - Not unreasonably interfere with land use plans in the area
 - For smaller scale electric facilities and natural gas facilities, a Certificate of Authority is required under Wisconsin Statutes, Section 196.49. Proposal must:
 - Not impair efficiency of utility service
 - Not provide facilities in excess of reasonable future needs
 - Not increase the cost of service without a proportional increase in quality or quantity of service
3. Submission Requirements
- Application must contain
 - Need
 - Economic, environmental, and engineering information
4. Procedures for Obtaining Permit or Approval
- Applicant submits application to WPSC
 - WPSC reviews application for completeness (joint review with Department of Natural Resources (WDNR) for power plants)
 - WPSC consults with other agencies and the public through notice and comment, meetings, or hearings
 - WPSC decision on basis of public record
 - Total estimated processing time, several months to 2 years
5. Operations Requirements
- Major deviations from certified project must be approved by WPSC

CHAPTER 4.3 (continued)

6. Fees

- None (except cost recovery for WPSC expenses)

7. Appeal Process

- Applicant or citizen may petition WPSC for rehearing and/or may litigate in the courts

E. ADMINISTERING AGENCY:

- Wisconsin Public Service Commission
P.O. Box 7854
Madison, Wisconsin 53707
(608) 266-5990

CHAPTER 4.4

ADVANCE ELECTRICITY PLAN APPROVAL

INTRODUCTION

The Wisconsin Public Service Commission (WPSC), has responsibility for approving advance electricity plans, under the authority of Wisconsin Statutes, Chapter 196. The purpose of this permit is to provide for adequate supplies of electricity.

A. NAME OF PERMIT OR APPROVAL:

- Advance Electricity Plan Approval (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 196.491

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapter PSC 111 (P)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Electric utilities which own, or operate, or plan to own or operate within 10 years, an electric generating facility or high voltage transmission line

2. General Requirements

- Plan must
 - Provide for a reasonably adequate supply of electricity
 - Be in the public interest when considering engineering, economic, health, safety, reliability, efficiency, and environmental factors and alternative supply sources
 - Be reasonably coordinated with long-range plans of other agencies
 - Provide for programs to discourage inefficient and excessive power use

CHAPTER 4.4 (continued)

- Advance plan approval of a project is required before an application for the Certificate of Public Convenience and Necessity (CPCN) can be made
- Electric Utilities are required to file long range (20 year) plans with WPSC

3. Submission Requirements

- Electric utility forecasts
- Planned generation and transmission system expansion
- System alternatives
- Research programs
- Conservation and load management programs

4. Procedures for Obtaining Permit or Approval

- Applicant submits plan to WPSC
- WPSC develops and circulates environmental assessment including alternative plans
- Hearings begin within 6 months of plan filing date
- WPSC decision is made on basis of record within 18 months of plan filing date

5. Operations Requirements

- Subject to re-evaluation in subsequent plan filings (on a 2-year cycle) and in CPCN applications

6. Fees

- None (except cost recovery for WPSC expenses)

7. Appeal Process

- Applicant or citizen may petition WPSC for rehearing, and/or may litigate in the courts

CHAPTER 4.4 (continued)

E. ADMINISTERING AGENCY:

- Wisconsin Public Service Commission
P.O. Box 7854
Madison, Wisconsin 53707
(608) 266-5990

CHAPTER 4.5

APPROVALS AND PERMITS FOR BUILDING PUBLIC FACILITIES

INTRODUCTION

The Division of Safety and Building, within the Wisconsin Department of Industry, Labor, and Human Relations (WDILHR), has responsibility for issuing approvals and permits for all public buildings and places of employment, under the authority of Wisconsin Statutes, Chapter 101. The purpose of this permit is to prevent faulty construction of these facilities, which could cause unsafe conditions.

A. NAME OF PERMIT OR APPROVAL:

- Approvals and Permits for Public Buildings and Places of Employment and One-and-Two Family Dwellings (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Sections 101.02, 101.12, 101.122, 101.13, 101.15, 101.16, 101.17, 101.175, 101.45, 101.60, 101.75 through 101.95

C. TITLE OF REGULATION:

- Wisconsin Administrative Codes,
Chapter IND 3 - Mines, Quarries and Pits
" IND 4 - Elevators
" IND 5 - Explosives and Blasting Agents
" IND 6 - Trench, Excavation and Tunnel Construction
" IND 11 - Occupational Noise Exposure
" IND 12 - Work Under Compressed Air
" IND 14 - Mobile Homes
" IND 18 - Alternate Energy
" IND 19 - Illumination
" IND 20-25 Uniform Dwelling Code
" IND 26 - Certification of Inspectors
" IND 41-42 Boiler and Pressure Vessel Code
" IND 45 - Mechanical Refrigeration
" IND 46 - Towing and Lifting Devices for Ski Areas
" IND 47 - Amusement Rides
" IND 50-64 Building and Heating, Ventilating and Air
Conditioning Code
" IND 69 - Fee Code
" ILHR 16 - Electrical Code, Vol. 2

CHAPTER 4.5 (continued)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Plan approvals issued by division
 - Public buildings and places of employment
 - Elevators
 - Mobile homes
 - Alternate energy
 - Uniform dwellings
 - Towing and lifting devices for ski areas
- Permits
 - Blaster certification
 - Structural welder certification
 - Certified building and dwelling inspectors
 - Permits issued for amusement rides

2. General Requirements

- Applicant must submit plans and receive approval prior to starting project

3. Submission Requirements

- Complete plans and specifications
- Structural and Heating, Ventilating and Air Conditioning Codes calculations
- Energy conservation related information
- Name of owner
- Name of designer
- Location of project
- Use of building or structure

4. Procedures for Obtaining Permit or Approval

- Applicant submits complete package of plans, specifications, calculations, and related information to WDILHR

CHAPTER 4.5 (continued)

- WDILHR issues conditional approval
- Begin construction of building in conformance with code and conditions of approval
- Periodic inspections during construction by WDILHR
- Correction of non-conformance
- WDILHR issues final inspection report

5. Operations Requirements

- Following approval, owner must build according to code and conditions of approval and correct any non-conformance

6. Fees

- Chapter 69 - Fee Code contains all the fees charges by the department and the code is adjusted by the same percentage amounts, and on the same effective dates, as changes occur in the pay rate of employees of the state of Wisconsin. To obtain current fees for approvals or permits refer to Chapter 69 - Fee Code

7. Appeal Process

- Owner may file appeal on individual project approval via petition for modification process or any group or association may petition any general rule

E. ADMINISTERING AGENCY:

- Administrator
Division of Safety & Building
Department of Industry, Labor, and Human Relations
Room 101 GEF-1 State Office Building
201 East Washington Avenue
Madison, Wisconsin 53702
(608) 266-3151

CHAPTER 4.6

PERMITS & APPROVALS FOR PLUMBING AND PRIVATE SEWAGE SYSTEMS

INTRODUCTION

The Division of Safety and Buildings, Bureau of Plumbing, within the Wisconsin Department of Industry, Labor and Human Relations (WDILHR), has the responsibility for issuing permits and approvals for all plumbing systems in public buildings, and the plumbing is to be installed in such a manner so as to protect the health, safety and welfare of the public or occupants.

A. NAME OF PERMIT OR APPROVAL:

- Permits & Approvals for Plumbing and Private Sewage Systems (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Sections 145.01 through 145.25

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapters H61 - Plumbing Apprenticeship and Licensing of Plumbers; H62 - Design Construction, Installation, Supervision and Inspection of Plumbing; H-63 - Private Sewage Systems; H-64 Certification of Soil Testers; H-65 Subdivision Not Served by Public Sewers

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

Permits and Certification

- Apprenticeship (Plumbers, Fire Sprinkler System)
- Certification of Soil Testers
- Licenses (Plumbers)
- Sanitary Permits
- Septic Tank Permits

Plan Approvals

- Plans and specifications for plumbing to be installed in or outside or both of all buildings, structures, parks, areas of complexes must be submitted to the WOILHR for approval

CHAPTER 4.6 (continued)

- Plans and specifications for private sewage systems serving public buildings, or use of experimental or alternate type systems, and holding tanks shall be submitted to the Department for approval

2. General Requirements

- Plans and specifications must be approved by WDILHR prior work commencing
- No person may engage in or work at plumbing in the state unless licensed to do so by WDILHR

3. Submission Requirements

● Apprenticeship and Licensing Requirements

- In accordance with State statutes minimum education, examination and experience requirements, etc., must be successfully completed prior to obtaining apprenticeship or licensure

● Approvals for General Plumbing

- Plans and specifications shall be signed and sealed and stamped by a registered architect, engineer or registered plumber designer
- Complete plans and specifications shall be submitted in duplicate with the exception of plans relating to private sewage disposal systems serving public buildings which shall be submitted in triplicate

4. Procedures for Obtaining Permit or Approval

- Applicant submits complete plans and specifications, calculations and related information to WDILHR
- WDILHR issues conditional approval
- Based on conditions of approval and conformance with the code, installation of the plumbing systems can be installed
- Periodic inspections during construction by WDILHR
- Correction of non-conformance items
- WDILHR issues final inspection report

CHAPTER 4.6 (continued)

5. Operations Requirements

- Plumbing installations shall comply with approved plans

6. Fees

- Chapter IND 69 - Fee Code contains all the fees charged by the Department and is adjusted by the same percentage amounts, and on the same effective dates, as changes occur in the pay rate of employees of the state of Wisconsin. To obtain current fees for approvals or permits refer to Chapter IND 69 - Fee Code.

7. Appeal Process

- An owner may file an appeal on an individual approval via a petition for modification

E. ADMINISTERING AGENCY:

- Administrator
Division of Safety & Buildings
Department of Industry, Labor and Human Relations
Room 101, GEF-I State Office Building
201 E. Washington Ave.
Madison, Wisconsin 53702
(608) 266-3151

CHAPTER 4.7

MISCELLANEOUS FOREST PRODUCT SALES PERMIT

INTRODUCTION

The various districts and area offices within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing miscellaneous forest product sales permits, under the authority of Wisconsin Statutes, Chapter 28. The purpose of this permit is to regulate cutting or buying of small volumes of forest products.

A. NAME OF PERMIT:

- Miscellaneous Sales Permit (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 28.05 (1)

C. TITLE OF REGULATION:

- Timber Sales

D. SUMMARY OF PERMIT PROCESS:

1. Applicability

- State property manager designates forest products with a value less than \$100 to be sold to individuals. Any person wishing to purchase designated forest products must apply for a permit.

2. General Requirements

- A single count or volume estimate will be made
- Payment on the count or volume is made in advance
- The value of the count or volume must not exceed \$100
- The sale will not exceed 12 months in duration

3. Submission Requirements

- Payment on the count or volume

CHAPTER 4.7 (continued)

4. Procedure for Obtaining a Permit

- Applicant appears at office administering property where products are designated for sale
- Applicant signs Miscellaneous Sales Permit Form 9300-37
- Applicant pays determined value of products listed on permit

5. Operations Requirements

- Following issuance of the permit, permittee must comply with all applicable rules and regulations, and any stipulations set forth in the permit

6. Fees

- The cost of the permit is based on the value of the count or volume estimate of the forest products listed on the permit

7. Appeal Process

- None

E. ADMINISTERING AGENCY:

- Bureau of Forestry
Division of Resource Management
Wisconsin Department of Natural Resources
101 South Webster Street
Box 7211
Madison, Wisconsin 53707
(608) 267-7494

CHAPTER 4.8

FUEL WOOD SALES PERMIT

INTRODUCTION

The various districts and area offices within the Wisconsin Department of Natural Resources (WDNR), have responsibility for issuing firewood sales permits, under the authority of Wisconsin Statutes, Chapter 28. This purpose of this permit is to regulate cutting and buying of fuel wood for household use.

A. NAME OF PERMIT OR APPROVAL:

- Fuel Wood Sales Permit (S)

B. STATUTORY AUTHORITY

- Wisconsin Statutes, Section 28.05 (1)

C. TITLE OF REGULATIONS:

- Timber Sales

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- State property manager designates forest products (less than 10 cords) to be sold for household use
- Any person wishing to purchase designated forest products must apply for a permit

2. General Requirements

- A single count or volume estimate will be made
- Payment on the count or volume is made in advance
- The value of the count or volume must not exceed \$100
- The sale will not exceed 12 months in duration

3. Submission Requirements

- Payment on the count or volume

CHAPTER 4.8 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant appears at office administering property where products are designated for sale
- Applicant completes Fuelwood Sales Permit Form 2400-73
- Applicant pays determined value of products listed on permit

5. Operations Requirements

- Following issuance of the permit, permittee must comply with all applicable rules and regulations, and with any stipulations set forth in the permit

6. Fees

- The cost of the permit is based on the value of the count or volume estimate of the forest products listed on the permit

7. Appeal Process

- None

E. ADMINISTERING AGENCY:

- Division of Resource Management
Bureau of Forestry
Wisconsin Department of Natural Resources
101 South Webster Street
Box 7211
Madison, Wisconsin 53707
(608) 267-7494

CHAPTER 5.1

AIR POLLUTION CONTROL CONSTRUCTION AND OPERATION PERMITS

INTRODUCTION

The Bureau of Air Management, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing air pollution control construction and operation permits, under the authority of Wisconsin Statutes, Chapter 44. The purpose of this permit is to prevent air quality or health problems.

A. NAME OF PERMIT OR APPROVAL:

- Air Pollution Control Permit (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 144.392 (new, modified, reconstructed, or replaced sources and their operation)
- Wisconsin Statutes, Section 144.3925 (existing sources and their operation)

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapter NR 154 (Air pollution control rules are added to and changed frequently; applicants are advised to check on current rules and pending changes)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- All sources of air contaminants not exempted by the rules (see Wisconsin Administrative Code, Chapter NR 154, Air Pollution control Rules)

2. General Requirements

- Some U.S. Environmental Protection Agency permits are processed by the WDNR, as are permits for construction or modification of a Stationary Air Contaminant Source and Mandatory Operation Permit for an existing source

CHAPTER 5.1 (continued)

- The source must meet the emission limits stated in the rules and emission standards for hazardous pollutants
- The source must not cause or exacerbate air quality standard violations or exceed the air increment allowed in clean areas
- If the source is to operate under an emission reduction option (offset), the permits of other sources participating in the emission reduction option must be approvable
- The source must not sufficiently degrade air quality in an area to prevent another source which has applied for a permit from obtaining it

3. Submission Requirements

- Sufficient information is needed to determine if the source will meet emission limits, not cause air quality problems, not degrade air quality in clean areas, not cause a potential health problem, or be a source of odor or dust nuisance to the area, including:
 - Applicant's name, address and telephone number
 - Names of any other owners or operators
 - Plan or layout of the facility showing stacks or vents
 - Map or sketch of the adjacent area, streets, and neighboring occupants
 - Operating schedule (the emissions allowed in the permit will be based on this schedule)
 - Dates when construction will begin and when production is expected to start (construction cannot begin without an approved construction permit)
- Sufficient information to determine the amount of emissions and if emission limits will be met
 - Description of the process and flow diagram
 - Information on type, size and efficiency of control systems, control equipment, and equipment to measure emissions

CHAPTER 5.1 (continued)

- Manufacturer of equipment, model number, and rated capacity
 - Composition and amounts or throughput rates of raw materials used
 - Heating values, and sulfur and ash content as percent weight of fuels burned
 - Emission rates of particulates, sulfur oxides, nitrogen oxides, carbon monoxide, volatile organic compounds, total reduced sulfur, and any toxic or hazardous materials
 - Indication of how solid and liquid wastes will be disposed
- Sufficient information to estimate air quality impact on the area
 - Stack or vent heights, temperature of exhaust, exit diameter (internal), and exit velocity
 - Local abnormal terrain including valleys, hills, and street canyons which may aggravate air problems
 - List of all other stationary sources associated with the new source
 - For major new sources, the overall significance of the project may require an environmental impact review or statement; if so, no permit can be issued until the environmental impact review is completed
 - For indirect sources (large shopping centers, parking facilities, etc.), the number of parking spaces and location govern the need for a permit

4. Procedures for Obtaining Permit or Approval

- Applicant submits application in duplicate to Bureau of Air Management, WDNR (some permits, usually for smaller sources, will be processed by the applicable district office)
- WDNR reviews the application and responds in 20 days (if further information is needed it will be requested. Processing does not begin until necessary information is complete)

CHAPTER 5.1 (continued)

- WDNR analyzes the contents of the application and makes a preliminary determination for the approval of the application in the following time periods:
 - Major sources 120 days
 - Minor sources 30 days
 - Elective permits 240 days
- WDNR makes the analysis and preliminary determinations available to the public
- A notice is placed in the local newspaper, providing a 30-day opportunity for written public comment (during this period requests can be made for an uncontested case public hearing)
- WDNR acts on the permit within 60 days after the close of the public comment period or the public hearing, whichever is later

5. Operations Requirements

- WDNR will periodically inspect the source for compliance with conditions of the permit
- Any excursions over permit limits are to be reported to the district office
- Any changes in operation outside the permit limits will require an amendment of the permit

6. Fees

- None

7. Appeal Process

- A permit applicant or holder or other person may appeal permit actions under Wisconsin Statutes, Section 144.403, and may seek further judicial review of WDNR decisions under Section 227.15

E. ADMINISTERING AGENCY:

- Chief, Engineering and Surveillance Section
Bureau of Air Management
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-0171

CHAPTER 5.2

HAZARDOUS WASTE TRANSPORT, TREATMENT, STORAGE, AND DISPOSAL FACILITY LICENSE

INTRODUCTION

The Bureau of Solid Waste Management, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing hazardous waste transport, treatment, storage, and disposal facility permits, under the authority of Wisconsin Statutes, Chapter 144. The purpose of this permit is to regulate these actions to prevent unsafe conditions.

A. NAME OF PERMIT OR APPROVAL:

- Hazardous Waste Transport, Treatment, Storage and Disposal Facility License (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Sections 144.43 through 144.64

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapter NR 181

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Private and commercial hazardous waste treatment, storage, and disposal facilities, and hazardous waste transporters

2. General Requirements

- Pending EPA authorization of Phase II of the State hazardous waste program; treatment, storage, and disposal facilities will need both a Federal Resource Conservation Recovery Act (RCRA) permit under Title 40, Code of Federal Regulations, Part 122, and a WDNR operating license under Wisconsin Statutes, Section 144.44 and 144.64
- After Phase II Interim Authorization, WDNR operating licenses will satisfy both State and Federal requirements

CHAPTER 5.2 (continued)

3. Submission Requirements

- Transporters
 - Application and license fee
- Treaters, Storers, Disposers
 - Feasibility study
 - Plan of operation
 - Environmental impact assessment
 - License fee
 - Proof of financial responsibility for facility closure and long-term care (disposers only)

4. Procedures for Obtaining Permit or Approval

- Applicant submits area-wide plan (optional)
- County adopts plan (optional)
- WDNR approves plan (optional)
- Site recommended (optional)
- Initial site report (optional)
- Feasibility report (first mandatory step)
- Hearing may be requested and held
- WDNR feasibility report decision
- Plan of operation submitted
- WDNR reviews and approves plan of operation
- Site constructed
- Site licensed
- Facility operation (Ad Hoc Committee is investigating options to modify this process, copies go to District and Madison offices)

5. Operations Requirements

- Applicant must comply with Wisconsin Statutes, Chapter 181 and any plan approval conditions

CHAPTER 5.2 (continued)

6. Fees

- Vary

7. Appeal Process

- See Wisconsin Statutes, Chapter 227, Administrative Review Process

E. ADMINISTERING AGENCY:

- Director
Bureau of Solid Waste Management
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-1327

CHAPTER 5.3

SOLID WASTE TRANSPORT, STORAGE, AND LAND DISPOSAL FACILITY LICENSE

INTRODUCTION

The Bureau of Solid Waste Management, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing solid waste transport, storage, and land disposal facility licenses, under the authority of Wisconsin Statutes, Chapter 144. The purpose of this permit is to regulate these actions to prevent unsafe conditions.

A. NAME OF PERMIT OR APPROVAL:

- Solid Waste Transport, Storage, and Land Disposal Facility License (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Sections 144.43 through 144.47

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapter NR 180

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Solid waste storage and land disposal facilities, as well as licenses for transporter vehicles

2. General Requirements

- State law required solid waste storage and land disposal facilities to comply with design, construction, operation, and financial responsibility requirements and to obtain a license before beginning operation

3. Submission Requirements

- Transporters
 - Application and license fee

CHAPTER 5.3 (continued)

- Storage
 - Application and license fee (non-containerized storage must meet the requirements below)
 - Land Disposal
 - Feasibility study, hearing, environmental impact assessment
 - Plan of operation
 - License fee
 - Proof of financial responsibility for facility closure and long-term care
4. Procedures for Obtaining Permit or Approval
- Applicant submits area-wide plan (optional)
 - County adopts plan (optional)
 - WDNR approves plan (optional)
 - Site recommended (optional)
 - Initial site report (optional)
 - Feasibility report (first mandatory step)
 - Hearing may be requested and held
 - WDNR feasibility report decision
 - Plan of operation submitted
 - WDNR reviews and approves plan of operation
 - Site constructed
 - Site licensed
 - Facility operation

CHAPTER 5.3 (continued)

5. Operations Requirements

- Storage and land disposal facilities and transporters must comply with operating requirements of Wisconsin Statutes, Chapter NR 180 and any conditions of plan approval

6. Fees

- Vary

7. Appeal Process

- Feasibility study approval is considered "final decision" for judicial review under Wisconsin Statutes, Chapter 227
- Environmental assessment is also subject to judicial review

E. ADMINISTERING AGENCY:

- Director
Bureau of Solid Waste Management
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-1327

SECTION 5.0
ENVIRONMENTAL QUALITY MANAGEMENT

CHAPTER 5.4

POLYCHLORINATED BIPHENYL HANDLING, TRANSPORTING, GENERATING, AND STORING LICENSES

INTRODUCTION

The Bureau of Solid Waste Management, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing polychlorinated biphenyl handling, transporting, generating, and storing licenses, under the authority of Wisconsin Statutes, Chapter 144. The purpose of this permit is to regulate these activities to prevent unsafe conditions.

A. NAME OF PERMIT OR APPROVAL:

- Polychlorinated biphenyl (PCB) Handling, Transporting, Generating, and Storing Licenses (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 144.50

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapter NR 157

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Handlers, transporters, generators, and storers of PCBs

2. General Requirements

- State law requires transporters of PCBs to obtain a license
- PCB generators may, on a facility-specific basis, need approval of a plan of operation

3. Submission Requirements

- Transporters
 - Application and license fee
 - Insurance verification
- Other handlers may be required to submit a plan of operation

CHAPTER 5.4 (continued)

4. Procedures for Obtaining Permit or Approval

- Initial site report (optional)
- Feasibility report (first mandatory step)
- Hearing may be requested and held
- WDNR report report decision
- Plan of operation submitted
- WDNR reviews and approves plan of operation
- Site constructed
- Site licensed
- Facility operation

5. Operations Requirements

- Applicant must comply with Wisconsin Statutes, Chapter NR 157 and any plan approval conditions established during WDNR review

6. Fees

- Vary

7. Appeal Process

- Applicant submits letter of concern to WDNR or follows judicial review procedures, Wisconsin Statutes, Chapter 227

E. ADMINISTERING AGENCY:

- Director
Bureau of Solid Waste Management
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-1327

CHAPTER 5.5

SEPTIC TANK SERVICERS AND HAULERS PERMIT

INTRODUCTION

The Bureau of Solid Waste Management, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing septic tank servicers and haulers licenses, under the authority of Wisconsin Statutes, Chapter 146. The purpose of this permit is to assure responsible servicers and haulers and to prevent unsafe conditions.

A. NAME OF PERMIT OR APPROVAL:

- Septic Tank Servicers and/or Haulers Permit (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 146.20

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapter NR 113

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Businesses engaged in servicing septic tanks, holding tanks, grease traps, or privies

2. General Requirements

- State law requires that septic tank servicers and haulers obtain an operation permit

3. Submission Requirements

- Application and license fee
- Certification of vehicle inspection
- Bond

CHAPTER 5.5 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant contacts district solid waste coordinator, who makes inspection

5. Operations Requirements

- Disposal requirements listed in Wisconsin Statutes, Section NR 113.07

6. Fees

- In-state businesses - \$25/year
- Out-of-state businesses - \$50/year

7. Appeal Process

- None specified beyond letter of concern to WDNR and Wisconsin Statutes, Chapter 227 procedures

E. ADMINISTERING AGENCY:

- Director
Bureau of Solid Waste Management
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-1327

CHAPTER 5.6

WISCONSIN POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT

INTRODUCTION

The Division of Environmental Standards and its Municipal and Industrial Wastewater Sections, within the Wisconsin Department of Natural Resources (WDNR), have responsibility for issuing Wisconsin Pollutant Discharge Elimination System permits, under the authority of Wisconsin Statutes, Chapter 147. The purpose of this permit is to regulate discharge of pollutants into waters of the State of Wisconsin.

A. NAME OF PERMIT OR APPROVAL:

- Wisconsin Pollutant Discharge Elimination System (WPDES) Permit (F&S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Chapter 147

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapters NR 200 through NR 299 and NR 3 are the State administrative codes which indicate the requirements of the WPDES permit program (Many changes of these codes are pending, mostly dependent on future U.S. Environmental Protection Agency (EPA) promulgations)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any and all point source discharges of pollutants to waters of the State including municipal, industrial, commercial, etc.

2. General Requirements

- Wisconsin Statutes, Chapter 147, make it illegal for any person to discharge pollutants into waters of the State (which includes ground waters by definition) without first obtaining a WPDES permit

CHAPTER 5.6 (continued)

- WDNr is authorized by the EPA to administer the National Pollutant Discharge Permit Program (NPDES) so any permit issued by WDNr to discharge to surface waters in Wisconsin is considered a valid NPDES permit as well, pursuant to the Federal Water Pollution Control Act and its amendments (PL 92-500 and PL 95-217)

3. Submission Requirements

- Application at least 180 days prior to commencing discharge on forms provided by WDNr
- Effluent monitoring data must be submitted as required by the permit

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to WDNr NPDES Permit Section, 180 days prior to commencement of discharge on forms provided by the Department
- Final review and decision by WDNr
- 30 day public notice period
- Period is issued

5. Operations Requirements

- All permittees must be in compliance with the terms and conditions of their discharge permit or WDNr cannot reissue the permit
- Permittees must monitor their discharges and report in accordance with the provisions of the permit
- Upon becoming aware of violations, WDNr is required to take appropriate enforcement action, and may also refer the matter to the Wisconsin Department of Justice, seeking forfeitures of up to \$10,000 civil or \$25,000 criminal for each violation

6. Fees

- None

7. Appeal Process

- Appeal procedures are set forth in Wisconsin Administrative Code, Chapter NR 3

CHAPTER 5.6 (continued)

E. ADMINISTERING AGENCIES:

- Signatory

Adminstrator
Division of Environmental Standards
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-1099 - Administrator, Div. of Env. Standards
(608) 266-1387 - Permit Issuance Coordinator, Municipal &
Industrial Waste Water Sections

- Responsibilities for Processing Permits

Municipal Waste Water Section

Industrial Waste Water Section

CHAPTER 5.7

INDUSTRIAL WASTEWATER TREATMENT FACILITY PLAN APPROVAL

INTRODUCTION

The Industrial Wastewater Section within the Wisconsin Department of Natural Resources (WDNR) is responsible for approving plans and specifications of proposed industrial wastewater treatment facilities, under the authority of Wisconsin Statutes, Chapter 144. The purpose of this approval is to ensure proper design of the facility.

A. NAME OF PERMIT OR APPROVAL:

- Industrial Wastewater Treatment Facility Plan Approval (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 144.04

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapter NR 108

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Construction of an industrial wastewater treatment facility
- Construction of industrial wastewater pretreatment facilities

2. General Requirements

- No construction can commence until plans have been reviewed and approved or 90 days has past since submission of plans

3. Submission Requirements

- 3 sets of preliminary plans and specifications
- 3 sets of final plans and specifications under seal of Professional Engineer

4. Procedures for Obtaining Permit or Approval

- Applicant submits preliminary plans
- Cursory review by WDNR

CHAPTER 5.7 (continued)

- Submit final plans
- 90 day review by WDNR
- Plans approved, approved with conditions or disapproved

5. Operations Requirements

- Facility must be constructed and operated in accordance with approved plans and any conditions specified by DNR
- Facility must be operated as efficiently as possible

6. Fees

- None

7. Appeal Process

- No formal procedures or codes adopted. However plans automatically approved after 90 days unless a waiver of up to 6 months is granted by the owner/designer to the Department where complex or costly projects are involved

E. ADMINISTERING AGENCY:

- Administrator
Division of Environmental Standards
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-1099

CHAPTER 5.8

HIGH CAPACITY WELL APPROVAL

INTRODUCTION

The Private Water Supply Section, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for approving high capacity wells, under the authority of Wisconsin Statutes, Chapter 144. The purpose of this permit is to prevent adverse effects on public utility wells and to assure proper construction and operation of these wells.

A. NAME OF PERMIT OR APPROVAL:

- High Capacity Well Approval (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, section 144.025 (2)(e)

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapter NR 112

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Construction or operation of well(s) with pump capacity(s) exceeding 70 gallons per minute (total of all wells on one property)

2. General Requirements

- This permit must be obtained prior to construction or operation of the above wells

3. Submission Requirements

- A list of required information is available at WDNR

4. Procedures for Obtaining Permit or Approval

- Applicant submits specifications for well and pump installation and information on existing wells on property to WDNR

CHAPTER 5.8 (continued)

- No formal procedures; no public notice
- Final review and decision by WDNR
- Total estimated processing time is 30 to 90 days

5. Operations Requirements

- Pumpage cannot exceed authorized rate
- Applicant must comply with all applicable rules and regulations, and with any stipulations set forth in the permit

6. Fees

- None

7. Appeal Process

- See Wisconsin Statutes, Chapter 227

E. ADMINISTERING AGENCY:

- Chief
Private Water Supply Section
Wisconsin Department of Natural Resources
Box 7921
Madison, Wisconsin 53711
(608) 267-7649

CHAPTER 5.9

PERMIT FOR CHANGING STREAM COURSES

INTRODUCTION

The Bureau of Water Regulations and Zoning, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing permits for changing stream courses, under the authority of Wisconsin Statutes, Chapter 30. The purpose of this permit is to prevent adverse effects to stream flow and the public and private rights on the streams.

A. NAME OF PERMIT OR APPROVAL:

- Permit for Changing Stream Courses (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 30.195

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapters NR 1.95, NR 115, NR 116, NR 150, and NR 300

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any person planning to change the course of or straighten a navigable stream

2. General Requirements

- Project must improve the economic or aesthetic value of the owner's land
- Project must not adversely affect the flood flow capacity of the stream
- Project must not be detrimental to public rights or to the rights of other riparian land owners located along the stream

CHAPTER 5.9 (continued)

3. Submission Requirements

- Proposed construction methods
- Location sketch
- Plan view to scale
- Cross sections to scale
- Hydraulic calculations
- Soil borings
- Other required information specified on the application form

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to district office, WDNR
- WDNR reviews application for completeness and fee
- WDNR office conducts environmental and technical analyses
- WDNR grants or denies permit application
- WDNR conducts surveillance
- Total estimated processing time is 30 to 90 days

5. Operations Requirements

- Applicant must comply with conditions of permit

6. Fees

- Permit application fee - \$15 to \$75 (based on estimated cost of project)

7. Appeal Process

- Judicial review pursuant to Wisconsin Statutes, Section 227.15

CHAPTER 5.9 (continued)

E. ADMINISTERING AGENCY:

- Director
Bureau of Water Regulation and Zoning
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-8030

CHAPTER 5.10

PERMIT FOR CONSTRUCTION, OPERATION, AND MAINTENANCE OF PUBLIC AND PRIVATE DAMS ON NAVIGABLE WATERS

INTRODUCTION

The Bureau of Water Regulation and Zoning, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing permits for construction, operation, and maintenance of public and private dams, under the authority of Wisconsin Statutes, Chapter 31. The purpose of this permit is to regulate any projects applicable to dams and to prevent unsafe conditions.

A. NAME OF PERMIT OR APPROVAL:

- Permit for Construction, Operation, and Maintenance of Public and Private Dams on Navigable Waters (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Sections 31.05, 31.06, 31.12 and 31.14

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapters NR 1.95, NR 115, NR 116, NR 117, NR 300, and NR 330

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Construction, operation, and maintenance of public and private dams on navigable waters (Approvals required under Section 31.33 for dams on non-navigable streams)

2. General Requirements

- Project must be in the public interest, and must consider ecological, aesthetic, economic, and recreational values

3. Submission Requirements

- See Wisconsin Statutes, Sections 31.05, 31.06, 31.12 and
- Other required information specified on application forms

CHAPTER 5.10 (continued)

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to district office, WDNR
- WDNR reviews application for completeness and fee
- WDNR conducts environmental and technical analyses
- 30-day public notice procedure
- If no objection to public notice, WDNR issues permit; if objection or WDNR wishes to deny, hearing is requested
- Department of Administration Division of Natural Resource Hearings, holds hearing and grants or denies permit
- WDNR conducts surveillance

5. Operations Requirements

- Applicant must comply with permit conditions and approved plans

6. Fees

- Application fee - \$15 to \$75

7. Appeal Process

- Judicial review pursuant to Wisconsin Statutes Section 227.15

E. ADMINISTERING AGENCY:

- Director
Bureau of Water Regulation and Zoning
Wisconsin Department of Natural Resources
Box 7921
Madison, Wisconsin 53707
(608) 266-8030

CHAPTER 5.11

PERMIT FOR ENLARGEMENT AND PROTECTION OF WATERWAYS

INTRODUCTION

The Bureau of Water Regulation and Zoning within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing permits for enlargement and protection of waterways, under the authority of Wisconsin Statutes, Chapter 30. The purpose of this permit is to protect all navigable waterways.

A. NAME OF PERMIT OR APPROVAL:

- Permit for Enlargement and Protection of Waterways (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 30.19

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapters NR 1.95, NR 115, NR 116, NR 150, NR 300, and NR 340

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- To construct, dredge commence or do any work with respect to any artificial waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway where the purpose is ultimate connection with an existing navigable stream, lake or other body of navigable water, or where any part of such artificial waterway is located within 500 feet of the ordinary high-water mark of an existing navigable stream, lake or other body of navigable water
- To connect any natural or artificially constructed waterway, canal, channel, ditch, lagoon, pond, lake or similar waterway with an existing body of navigable water, for navigation or any other purpose
- To grade or otherwise remove top soil from the bank of any navigable stream, lake or other body of navigable water where the area exposed by such grading or removal will exceed 10,000 square feet

CHAPTER 5.11 (continued)

2. General Requirements

- Project must not injure public rights or interest, including fish and game habitat
- Project must not cause environmental pollution as defined in Wisconsin Statutes, Section 144.01(3)
- Project must conform to requirements of law for platting of land and for sanitation
- Project must cause no material injury to the rights of any riparian land owners along any body of water affected

3. Submission Requirements

- See Wisconsin Statutes, Section 30.19(2)
- Other specific information required on application form

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to district office, WDNR
- WDNR reviews application for completeness and fee
- WDNR conducts environmental and technical analyses
- 30-day public notice procedure
- WDNR approves or denies permit
- If no objection to public notice, WDNR issues permit; if objection or WDNR wishes to deny, hearing is requested
- Department of Administration, Division of Natural Resource Hearings holds hearing and grants or denies permit
- WDNR conducts surveillance

5. Operations Requirements

- Applicant must comply with conditions of permit

6. Fees

- Permit application fee - \$15 to \$75

CHAPTER 5.11 (continued)

7. Appeal Process

- Judicial review pursuant to Wisconsin Statutes, Section 227.15

E. ADMINISTERING AGENCY:

- Director
Bureau of Water Regulation and Zoning
Wisconsin Department of Natural Resources
Box 7921
Madison, Wisconsin 53707
(608) 266-8030

CHAPTER 5.12

APPROVAL TO CONSTRUCT PRIVATE BRIDGES OVER STREAMS LESS THAN 35 FEET WIDE

INTRODUCTION

The Bureau of Water Regulation and Zoning, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing approvals to construct private bridges over streams less than 35 feet wide, under the authority of Wisconsin Statutes, Chapter 30. The purpose of this approval is to regulate the construction of these bridges to prevent obstruction to navigable water

A. NAME OF PERMIT OR APPROVAL:

- Approval to Construct Private or Public Non-highway Bridges Over Streams Less Than 35 Feet Wide (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 30.10

C. TITLE OF REGULATIONS:

- Wisconsin Administrative Code, Chapters NR 1.95, NR 115, NR 116, NR 150, NR 300, and NR 320

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Construction of a private bridge over a stream less than 35 feet in width

2. General Requirements

- Project must not obstruct navigation, and
- Project must conform with local flood plan ordinances
- Project must not reduce the effective flood flow capacity

3. Submission Requirements

- Construction methods and materials
- Location sketch including land ownership

CHAPTER 5.12 (continued)

- Plan view to scale
 - Cross sections to scale
 - Hydraulic calculations if not in accord with NR 320, Wisconsin Administrative Code
4. Procedures for Obtaining Permit or Approval
- Applicant submits plans for approval to district office, WDNR
 - WDNR reviews plans for completeness and fee
 - WDNR conducts environmental and technical analyses
 - WDNR grants or denies approval
 - WDNR conducts surveillance
 - Total estimates processing time is 20 to 60 days
5. Operations Requirements
- Applicant must comply with conditions of approval
6. Fees
- Application fee - \$15 to \$75
7. Appeal Process
- Judicial review pursuant to Section 227.15, Wisconsin Statutes

E. ADMINISTERING AGENCY:

- Director
Bureau of Water Regulation and Zoning
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-8030

CHAPTER 5.13

APPROVAL TO ESTABLISH BULKHEAD LINES

INTRODUCTION

The Bureau of Water Regulation and Zoning, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing approvals to establish bulkhead lines, under the authority of Wisconsin Statutes, Chapter 30. The purpose of this approval is to control projects establishing artificial shorelines.

A. NAME OF PERMIT OR APPROVAL:

- Approval to Establish Bulkhead Lines (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 30.11

C. TITLE OF REGULATIONS:

- Wisconsin Administrative Code, Chapters NR 1.95, NR 115, NR 116, and NR 150

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- A legally established artificial shoreline intended to regularize the shoreline, established by municipal ordinance, approved by WDNR

2. General Requirements

- Project must be in the public interest
- Must not abridge the rights of riparian proprietors
- Project must conform as nearly as practicable to the existing shores, and
- Survey must be closed traverse surveyed by a Registered Land Surveyor or Professional Engineer and must meet or exceed accuracy of property survey

CHAPTER 5.13 (continued)

3. Submission Requirements

- Municipal ordinance establishing bulkhead line
- Map to scale showing existing and proposed shore

4. Procedures for Obtaining Permit or Approval

- Applicant submits ordinance and maps to district office, WDNR
- WDNR reviews for completeness
- District WDNR conducts environmental and technical analyses
- WDNR approves or disapproves
- WDNR conducts surveillance

5. Operations Requirements

- Applicant must comply with conditions of approval

6. Fees

- None

7. Appeal Process

- Judicial review pursuant to Section 227.15, Statutes

E. ADMINISTERING AGENCY:

- Director
Bureau of Water Regulation and Zoning
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-8030

CHAPTER 5.14

PERMIT TO CONSTRUCT STRUCTURES IN NAVIGABLE WATERS

INTRODUCTION

The Bureau of Water Regulation and Zoning within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing permits to construct structures in navigable waters, under the authority of Wisconsin Statutes, Chapter 30. The purpose of this permit is to protect the navigable waters within the State of Wisconsin.

A. NAME OF PERMIT OR APPROVAL

- Permit to Construct Structures in Navigable Waters (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 30.12

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapters NR 1.95, NR 115, NR 116, NR 150, and NR 300

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any structure on the bed of a navigable waterway including but not limited to:
- Pipes, conduits
- Riprap
- Fish cribs
- Sandblankets
- Solid piers
- Culverts

CHAPTER 5.14 (continued)

2. General Requirements

- Project must not materially obstruct navigation
- Project must not reduce the effective flood flow capacity of a stream
- Project must not be detrimental to the public interest

3. Submission Requirements

- Construction methods
- Location sketch
- Plan view to scale
- Cross sections to scale
- Other specific information required on application form

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to district office
- WDNR reviews application for completeness and fee
- WDNR conducts environmental and technical analyses
- 30-day public notice procedures, if applicable
- WDNR decides to approve or deny
- If no public notice required, WDNR issues or denies permit
- If public notice required and no objection to public notice, WDNR issues permit; if objection and/or WDNR wishes to deny, hearing is requested
- Department of Administration, Division of Natural Resource Hearings, holds hearing; hearing examiner approves or denies application
- WDNR conducts surveillance
- Total estimated processing time is 20 to 120 days, depending on notice requirement

CHAPTER 5.14 (continued)

5. Operations Requirements

- Applicant must comply with conditions of permit

6. Fees

- Permit application fee - \$15 to \$75

7. Appeal Process

- Judicial review pursuant to Wisconsin Statutes, Section 227.15

E. ADMINISTERING AGENCY:

- Director
Bureau of Water Regulation and Zoning
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-8030

CHAPTER 5.15

PERMIT TO DIVERT WATERS FROM LAKES AND STREAMS

INTRODUCTION

The Bureau of Water Regulations and Zoning, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing permits for diverting water from lakes or streams, under the authority of Wisconsin Statutes, Chapter 30. The purpose of this permit is to protect public and riparian rights.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Divert Water From Lakes and Streams (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 30.18
- Wisconsin Statutes, Section 107.05 (for mining purposes)

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapters NR 1.95, NR 115, NR 116, NR 150, AND NR 300

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Diversion of surface waters for agriculture, irrigation, maintaining or bringing back normal level of any navigable lake or maintaining the normal flow of water in any navigable stream and seining

2. General Requirements

- Stream flow or lake levels must be maintained to protect public and riparian rights
- Diversion cannot injure the rights of downstream habitants without their consent

CHAPTER 5.15 (continued)

3. Submission Requirements

- See Wisconsin Statutes, Section 30.18(3)
- Other specific information required on application form

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to WDNR
- WDNR reviews for completeness, conducts environmental and technical analyses
- WDNR gives notice of public hearing on the permit application
- WDNR approves or denies permit within 30 days of public hearing

5. Operations Requirements

- WDNR establishes amounts of water that can be diverted
- WDNR establishes times water can be diverted

6. Fees

- Application fee - \$15.00 to \$75.00

7. Appeal Process

- Judicial review pursuant to Wisconsin Statutes, Chapter 227.15

E. ADMINISTERING AGENCY:

- Bureau of Water Regulation and Zoning
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-8030

CHAPTER 5.16

PERMIT TO CONSTRUCT PRIVATE BRIDGES OVER A NAVIGABLE WATER MORE THAN 35 FEET WIDE

INTRODUCTION

The Bureau of Water Regulation and Zoning, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing permits to construct private bridges over navigable waters more than 35 feet wide, under the authority of Wisconsin Statutes, Chapter 31. The purpose of this permit is to protect the public rights in navigable waters within the State of Wisconsin.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Construct Private Bridges Over a Navigable Water More Than 35 Feet Wide (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 31.23

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapters NR 1.95, NR 115, NR 116, NR 150, and NR 300

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Construction of private bridges over a navigable water more than 35 feet wide

2. General Requirements

- Project must not impair the rights of the public for purposes of navigation or fishing
- Must comply with local flood plain zoning ordinances

3. Submission Requirements

- Construction methods and materials
- Location sketch including land ownership

CHAPTER 5.16 (continued)

- Plan view to scale
- Cross sections to scale
- Hydraulic calculations if not in accord with NR 320.06(2) Wisconsin Administrative Code

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to district office, WDNR
- WDNR reviews application for completeness and fee
- WDNR conducts environment and technical analyses
- 30-day public notice procedure
- If no objection to public notice, WDNR issues permit
- If objection to public notice and/or WDNR wishes to deny, hearing requested
- Hearing held by Department of Administration, Division of Natural Resource Hearings
- Hearing examiner issues or denies permit
- WDNR conducts surveillance

5. Operations Requirements

- Applicant must comply with permit conditions

6. Fees

- Application fee - \$15 to \$75

7. Appeal Process

- Judicial review pursuant to Wisconsin Statutes, Section 227.15

E. ADMINISTERING AGENCY:

- Director
Bureau of Water Regulation and Zoning
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin
(608) 266-8030

CHAPTER 5.17

PERMIT TO REMOVE MATERIALS FROM BEDS OF NAVIGABLE WATERS

INTRODUCTION

The Bureau of Water Regulation and Zoning, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing permits to remove materials from beds of navigable waters, under the authority of Wisconsin Statutes, Chapter 30. The purpose of this permit is to protect the navigable waters within the State of Wisconsin.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Remove Materials From Beds of Navigable Waters (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 30.20

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapters NR 1.95, NR 116, NR 150, NR 300, NR 340, NR 345, NR 346, and NR 347

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Removal of any material from the bed of any lake or stream (includes placing pipeline in the bed)
- Case law has made this law applicable to all waterways, navigable or not; proposed legislation would make applicable only to navigable waterways

2. General Requirements

- Project must be consistent with the public interest in the water involved

3. Submission Requirements

- Method of excavation
- Location sketch

CHAPTER 5.17 (continued)

- Top view to scale
- Cross sections to scale
- Disposal site location and plans
- Sediment analysis
- Specific information required on application

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to district office, WDNR
- WDNR reviews application for completeness and fee, and requests additional information, if necessary
- WDNR conducts environmental and technical analyses
- WDNR approves or denies application
- WDNR conducts surveillance
- Total estimated processing time is 30 to 90 days

5. Operations Requirements

- Applicant must comply with conditions of permit

6. Fees

- Permit application fee - \$15 to \$75 (based on estimated cost of project)
- If navigable lake or outlying waters of the State contract, a contract fee is required

7. Appeal Process

- WDNR decision is rendered without hearing
- Judicial review pursuant to section 227.15, Wisconsin Statutes

CHAPTER 5.17 (continued)

E. ADMINISTERING AGENCY:

- Director
Bureau of Water Regulation and Zoning
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-8030

CHAPTER 5.18

NOISE REGULATIONS

Wisconsin does not require any regulations, permits, or approvals for the regulation of noise. Noise may be regulated on the local government level in the State. Local government agencies should be contacted for information related to noise regulations.

SECTION 6.0

NATIONAL HISTORIC PRESERVATION ACT COMPLIANCE

CHAPTER 6.1

NATIONAL HISTORIC PRESERVATION ACT COMPLIANCE

INTRODUCTION

The Division of Historic Preservation, within the Wisconsin State Historical Society, has responsibility for regulating compliance with the National Historic Preservation Act, under the authority of United States Code, Title 16. The purpose of this is to identify and avoid adverse effects to significant historical and archaeological resources.

A. NAME OF PERMIT OR APPROVAL:

- Compliance with the National Historic Preservation Act of 1966, as amended (S & F)

B. STATUTORY AUTHORITY:

- United States Code, Title 16, Chapter 470, as amended
- Wisconsin Statutes, Section 44.22

C. TITLE OR REGULATION:

- State regulations - None
- Federal Regulations - Code of Federal Regulations, Title 36, Chapter 800 (36 CFR 800) "Protection of Historic and Cultural Properties"

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- All federally funded, licensed, or permitted projects must comply with the requirements of the National Historic Preservation Act, Section 106

2. General Requirements

- No application form; this is a consultative process designed to identify and avoid (if possible) adverse effects to significant historical and archaeological resources

CHAPTER 6.1 (continued)

3. Submission Requirements

- Brief description of the proposed activity
- Clear map showing the location of the proposed activity
- Photographs of any building or other structure in the project area that might be affected by the proposed activity

4. Procedures for Obtaining Permit or Approval

- Generally, this review process is conducted by the Federal agency having jurisdiction over the project. Each agency has its own process and methodology for compliance

5. Operations Requirements

- None, unless further actions are required as part of a Memorandum of Agreement

6. Fees

- None

7. Appeal Process

- See Title 36, Code of Federal Regulations, Part 800 (36 CFR 800)

E. ADMINISTERING AGENCY:

- State Agency:
 - Historic Preservation Division
Wisconsin State Historical Society
816 State Street
Madison, Wisconsin 53706
(608) 262-2732
- Federal Agency:
 - Advisory Council on Historic Preservation
1522 K Street NW
Washington, DC 20005
(202) 254-3495

CHAPTER 6.2

PERMIT TO CONDUCT FIELD ARCHAEOLOGY

INTRODUCTION

The State Historical Society of Wisconsin (SHSW) has responsibility for issuing permits to conduct field archaeology, under the authority of the Wisconsin Field Archaeology Act. The purpose of this permit is to protect any objects of archaeological interest found in the State of Wisconsin.

A. NAME OF PERMIT OR APPROVAL:

- Permit to Conduct Field Archaeology (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 27.012, 1965

C. SUMMARY OF PERMIT/APPROVAL PROCESS

1. Applicability

- Archaeological surveys and excavations on State lands

2. General Requirements

- Application form available from the State Archaeologist
- All recovered artifact material belongs to the State. Custody may be assigned to an institution.

3. Submission Requirements

- Name, address, age, and occupation of applicant
- Name of landowner
- Legal description of area
- Purpose
- Dates of work
- Map showing location of work
- Name of institution receiving custody of artifacts

CHAPTER 6.2 (continued)

4. Procedures of Obtaining Permit or Approval

- Applicant submits application to SHSW
- Final review and decision by SHSW (permission of landowner must be obtained)
- Total estimated processing time is 1 week to 1 month

5. Operations Requirements

- Summary report detailing the results of archaeological investigations is a condition of issuing permit
- Applicant must comply with all applicable rules and regulations, and any stipulations set forth in the permit by the landowner

6. Fees

- None

7. Appeal Process

- One person each from the Wisconsin Archaeological Society, Wisconsin Archaeological Survey, and a member of the Board of Curators of the State Historical Society reviews appeal case and submits written recommendations to the Board of Curators of the State Historical Society for final decision

E. ADMINISTERING AGENCY:

- State Archaeologist
State Historical Society of Wisconsin
816 State Street
Madison, Wisconsin 53706
(608) 262-9566

CHAPTER 6.3

WISCONSIN ENDANGERED SPECIES PERMIT

INTRODUCTION

The Office of Endangered and Nongame Species, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing Wisconsin endangered species permits, under the authority of Wisconsin Statutes, Chapter 29. The purpose of this permit is to protect any endangered species within the State of Wisconsin.

A. NAME OF PERMIT OR APPROVAL:

- Wisconsin Endangered Species Permit (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 29.415

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapter NR 27
- Lists are revised periodically

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Any person planning to take, transport, possess, process, or sell endangered or threatened animals and plants

2. General Requirements

- Permits may be issued for scientific, educational, or zoological purposes, or for propagation for preservation, unless these activities are prohibited by Federal law or other Wisconsin law. Permits may not be issued for processing or sale of listed species.

3. Submission Requirements

- Use application forms provided by WDNR
- Personal description of applicant

CHAPTER 6.3 (continued)

- Name and number of species
- Source
- Method of taking
- Where and when to be kept
- Purpose
- Final disposition of specimens
- Qualifications of applicant

4. Procedures for Obtaining Permit or Approval

- Applicant submits application to Office of Endangered and Nongame Species, WDNR
- No public notice or hearing required
- Inspection of applicant's care facility may be required prior to permit issuance
- WDNR internally reviews application and decision is made to issue or deny
- Total estimated processing time is 7 to 10 days

5. Operations Requirements

- Applicant submits annual report on permit activities
- Periodic inspection of care facilities or activities by WDNR Conservation Wardens

6. Fees

- None

7. Appeal Process

- None

CHAPTER 6.3 (continued)

E. ADMINISTERING AGENCY:

• State Agency:

Director
Office of Endangered and Nongame Species
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707

• Federal Agency:

Wildlife Permit Office
U.S. Fish and Wildlife Service
Washington, DC 20240
(703) 235-1903

CHAPTER 6.4

FLOOD PLAIN ZONING ORDINANCE AND AMENDMENT APPROVALS

INTRODUCTION

The Flood Plain-Shoreland Management Section, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for issuing flood plain zoning ordinance and amendment approvals, under the authority of Wisconsin Statutes, Chapter 87. The purpose of this approval is to protect life, health and property within the required flood plain areas of the State of Wisconsin and to ensure that all communities adapt flood plain management regulations with in compliance with minimum standards as contained in NR 166 of the Wisconsin Administrative Code.

A. NAME OF PERMIT OR APPROVAL:

- Flood Plain Zoning Ordinance and Amendment Approvals (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Section 87.30

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapter NR 116 (P)

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Approval covers only the flood plain zoning ordinance, the official flood plain zoning map, and any amendments to them adopted by communities

2. General Requirements

- Communities must adopt a legally enforceable flood plain zoning ordinance within 12 months of receipt of adequate flood plain zoning maps and data
- Many communities were allowed to participate in the National Flood Insurance Program (NFIP) without an ordinance; however, upon receipt of adequate maps and data, communities must adopt an ordinance that WDNR approves to maintain eligibility in the NFIP

CHAPTER 6.4 (continued)

- By joining the NFIP, property owners can purchase flood insurance which is not otherwise available from private insurance companies
- NFIP is a federally subsidized program that provides flood insurance at low cost to participating communities
- The communities must adopt or amend their flood plain zoning ordinance to meet or exceed State and Federal standards for flood plain management; WDNR and the Federal Emergency Management Agency (FEMA) must approve the ordinance and maps referenced in it

3. Submission Requirements

- WDNR must receive certified adopted ordinance
- Official flood plain zoning map(s)
- Public hearing notice, including dates of notice publication, hearing, adoption, and publication

4. Procedures for Obtaining Permit or Approval

- Prior to adoption, the community must publish a Class 2 public hearing notice, hold a public hearing, then formally adopt the flood plain zoning ordinance and map(s) (Same procedure is required for amendments)
- WDNR and FEMA must approve ordinance (Ideally, WDNR or FEMA has an opportunity to review and comment on ordinance before adoption; otherwise, formal amendments are necessary to correct deficiencies)

5. Operations Requirements

- Audits of communities with adopted ordinances are made by both FEMA and WDNR to ensure proper administration and enforcement

6. Fees

- None, other than costs of public hearing, publication of notice, and ordinance

7. Appeal Process

- Community must hold a public hearing in response to formal appeals of the ordinance

CHAPTER 6.4 (continued)

E. ADMINISTERING AGENCY:

- State Agency:

Flood Plain-Shoreland Management Section
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-3093

- Federal Agency:

Federal Emergency Management Agency
300 S. Wacker Drive, 24th Floor
Chicago, Illinois 60606
(312) 353-0757

CHAPTER 6.5

COUNTY SHORELAND ORDINANCE AND AMENDMENT APPROVALS

INTRODUCTION

The Flood Plain-Shoreland Management Section, within the Wisconsin Department of Natural Resources (WDNR), has responsibility for approving county shoreland ordinances, under the authority of Wisconsin Statutes, Chapters 59 and 144. The purpose of this approval is to insure that all counties adopt shoreland regulations in compliance with state minimum standards. The purpose of these regulations is to maintain safe and healthful conditions, prevent and control water pollution, protect spawning grounds, protect fish and aquatic life, control building sites, placement of structures and land uses, and reserve shore cover and natural beauty.

A. NAME OF PERMIT OR APPROVAL:

- County Shoreland Ordinance and Amendment Approvals (S)

B. STATUTORY AUTHORITY:

- Wisconsin Statutes, Sections 59.971 and 144.26

C. TITLE OF REGULATION:

- Wisconsin Administrative Code, Chapter NR 115

D. SUMMARY OF PERMIT/APPROVAL PROCESS:

1. Applicability

- Assurance that county shoreland ordinance or amendments meet State minimum shoreland standards

2. General Requirements

- County shoreland zoning must meet State minimum shoreland standards
- Shoreland area is defined as 1,000 feet from lakes, ponds, and flowages, and 300 feet from rivers, or to edge of floodplain if that distance is greater

CHAPTER 6.5 (continued)

3. Submission Requirements

- Proposed shoreland zoning provisions drafted by local officials

4. Procedures for Obtaining Permit or Approval

- Proposed zoning ordinances require a public hearing
- The county zoning agency makes a recommendation to the governing body (county board) for final action
- If county board approves and subsequently adopts the Shoreland Zoning Ordinance, it becomes effective (after publishing) within the shoreland area

5. Operations Requirements

- WDNR is required to monitor and oversee State shoreland zoning program administration by counties and to provide technical assistance

6. Fees

- None

7. Appeal Process

- Property owners may file appeals to local board if "aggrieved" by ordinance regulations or can request changes (amendments) to the zoning ordinance

E. ADMINISTERING AGENCY:

- Flood Plain-Shoreland Management Section
Wisconsin Department of Natural Resources
P.O. Box 7921
Madison, Wisconsin 53707
(608) 266-3093

SECTION 7.0
LOCAL REGULATORY POLICY

CHAPTER 7.1

LOCAL GOVERNMENT LAND USE AND NATURAL RESOURCE CONTROL ENABLING LAWS

Zoning is the most significant regulatory function served by local governments in the State of Wisconsin. Section 59.97 of the Wisconsin Statutes defines the zoning authority granted to counties; Section 62.23 of the Wisconsin Statutes outlines the zoning authority held by cities and villages.